

File Number: 510-0009-a
Date Received: 2-20-2018

Receipt No.: 30520
Amount: \$239

APPEAL FORM

(For more information, see Section 130.52.090 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Adam & Angela Anderson DBA: Villa Florentina

ADDRESS 6673 Carvers Road, Coloma, CA 95613

DAYTIME TELEPHONE 530-621-1111

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT _____

ADDRESS _____

DAYTIME TELEPHONE _____

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

Conditions of approval for SUP S10-0009 Villa Florentina

Please see attached letter.

2018 FEB 20 PM 4:14
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DATE OF ACTION BEING APPEALED February 8, 2018

Angela Anderson
Signature

2/19/18
Date

RE: Villa Florentina Special use permit S10-0009

Dear Board of Supervisors,

On March 24th 2011 the Planning commission gave Villa Florentina a permit to hold events on the property. The planning commission looked at sound studies and site maps that clearly showed the proximity to residential neighbors and warned in 2 places on the sound study that the noise would exceed the county sound ordinance and the staff report also cautioned, "It is important to note that the maximum noise would be expected to exceed the County's evening noise exposure criterion at the closest residential property. There is no mitigation for this impact." Because of this potential inconvenience, Villa Florentina was limited to 20 events and closing down amplified sound at 9:30pm. Public comment was taken with only one negative submission that addressed traffic flow mainly. There was a one year probation period where no comments were received. My wife and I have invested a significant amount of money based on this right that was given.

I have been willing to adjust the events as much as possible to be accommodative to neighbors and correct error as soon as realized. In the last Planning commission meeting, it was decided to reduce the number of events to 15 and limit the number of guests to 130 which was agreeable, but we were also prohibited from having amplified sound after 7pm. This is not reasonable and is the reason for our petition to the Board of Supervisors. Requiring us to shut down amplified sound at 7pm will kill my business as it is usually too hot for outdoor day weddings and the general flow of weddings is ceremony, dinner, dancing into the evening.

We are asking the Board of Supervisors to modify the proposed condition #3: to allow amplified sound until 9:30pm instead of the new condition of 7pm. Also, to allow amplified sound systems for amplifying speech to be allowed throughout the property. All amplification of dance music could still be required to be placed in the covered patio area.

Please reconsider the hardship reneging on this permit will bring upon me and the ancillary businesses that benefit from having events at Villa Florentina.

Adam and Angela Anderson

Owners Villa Florentina

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A motion was made by Commissioner Shinault, seconded by Commissioner Miller, to Continue Site 7 to the February 22, 2018, to allow staff time to prepare Findings for Denial based on aesthetics, compatibility with neighboring land uses, co-location possibilities, alternative site analysis, and access.

Yes: 4 - Commissioner Shinault, Commissioner Miller, Commissioner Williams and Commissioner Vegna

Absent: 1 - Commissioner Hansen

4. 18-0162

Hearing to consider the recommendation from Planning staff for Special Use Permit S10-0009/Villa Fiorentina Bed & Breakfast to be modified to remove the use of 20 special events per calendar year of up to 189 guests and amplified music on property identified by Assessor's Parcel Number 006-132-28, consisting of 3.57 acres, in the Coloma area; and staff recommending the Planning Commission take the following action: 1) Modify Special Use Permit S10-0009 based on the Findings and subject to the Modified Conditions of Approval as presented. (Supervisorial District 4)

Public Comment: B. Day, J. White, S. Schwartz-Kendall, R. Smay, L. Brent-Bumb, W. Thomas, D. Smay, G. Helms, D. Thomas, K. Harris, M. Lane, V. Harris, D. Lundgrum, C. Maddox, R. Smay, S. Mackey

A motion was made by Commissioner Williams, seconded by Commissioner Miller, to Approve staff's recommended actions. The motion FAILED.

Yes: 2 - Commissioner Miller and Commissioner Williams

Noes: 2 - Commissioner Shinault and Commissioner Vegna

Absent: 1 - Commissioner Hansen

A motion was made by Commissioner Miller, seconded by Commissioner Vegna, to Approve the following modifications to the original Conditions of Approval: (a) Condition 1.c to read as follows, "A total of 15 Special Events shall be permitted annually with a maximum of 130 guests."; (b) Condition 3: Add new sentence to read as follows, "All amplified music shall end by 7:00 P.M."; (c) New Condition to read as follows, "Lawn Area: Use of the lawn during Special Events shall end by 7:00 P.M."; (d) New Condition to read as follows, "Event Noticing: The property owner shall contact the immediate neighbors to the property and the Planning Director to provide notice of Special Events. This shall occur one week in advance of the scheduled Special Event."; (e) New Condition to read as follows, "Eight Month Review: The project shall be reviewed by the Planning Commission in eight months from the date of approval to review impacts as a result of the Special Events allowed under the Conditional Use Permit. The applicant shall provide Planning Services with a report detailing dates of Special Events that were held during the year."; and (f) New Condition to read as follows, "Stay of Enforcement: Enforcement of the County Noise Ordinance and the Conditions of Approval shall be stayed during the upcoming three events that the property owner already has a contract on."

Yes: 3 - Commissioner Shinault, Commissioner Miller and Commissioner Vegna

Noes: 1 - Commissioner Williams